

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

**MEMORANDUM OPINION  
AND ORDER**

Crim. No. 15-303 (MJD)

Gerard L. Roy,

Defendant.

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This matter is before the Court on Defendant's Motion for Compassionate Release pursuant to 18 U.S.C. 3582(c)(1)(A)(i).

**I. Background**

Defendant pleaded guilty to Count 1 of the Indictment which charged Mail Fraud in violation of 18 U.S.C. § 1341 and Count 9 which charged Transactional Money Laundering in violation of 18 U.S.C. § 1957. On February 2, 2017, Defendant was sentenced to term of imprisonment of 82 months on both counts, to run concurrently, and three years supervised release. He is currently serving his sentence at the Federal Prison Camp in Duluth and his release date is December 11, 2022.

## **II. Motion to Reduce Sentence**

Pursuant to 18 U.S.C. § 3582(c)(1)(A), the court may, upon a defendant's motion following exhaustion of administrative remedies or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, "reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that-- (i) extraordinary and compelling reasons warrant such a reduction . . . and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission".

As is clear from the above statutory text, Defendant must first exhaust his administrative remedies before the Court can grant him any relief. Defendant has not demonstrated that he has exhausted his administrative remedies with respect to his motion, nor is there evidence before the Court that he made a request to reduce his sentence to the warden at the Duluth prison facility.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for Compassionate Release [Doc. No. 88] is DENIED WITHOUT PREJUDICE for failure to exhaust administrative remedies.

Date: December 18, 2019

s/ Michael J. Davis

Michael J. Davis

United States District Court